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HOUSE BILL 729 By
Curtiss

SENATE BILL 653
By Cooper J

AN ACT to amend Tennessee Code Annotated, Title 66, relative to conveyances of real property used in the creation of illegal substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, is amended by adding the following as an appropriately designated new section:

(a) A cause of action may be instituted against an owner of real property subject to this title for the owner's knowing misrepresentation of property where the premises or the area immediately surrounding the premises has been knowingly used or occupied in whole or in part as a laboratory for the creation of methamphetamine, as that substance is identified in § 39-17-408(d)(2). This cause of action is in addition to any other cause of action available in law or equity against an owner for misrepresentation or failure to disclose material facts regarding the subject property.

(b) The purchaser's remedies under subsection (a) for an owner's knowing misrepresentation of property shall be either:

(1) An action for return of any funds transferred to the owner as payment of the purchase price or any part thereof in the event of a sale, or any payment made for occupancy in the event of a lease with the option to purchase;

(2) In the event that the contract is pending, termination of the contract prior to closing and return of all funds expended by the purchaser in pursuing the sale; or

(3) Such other remedies at law or equity otherwise available against an owner in the event of an owner's intentional or willful misrepresentation.

(c) Notwithstanding the provisions of § 66-5-208(a)(1) or any other provision of law to the contrary, any action brought under this subsection shall be commenced within one (1) year from the date of discovery of the use of the premises as a laboratory for the creation of methamphetamine.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.